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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 11-0480 SBA
)	
Plaintiff,)	NOTICE OF DISMISSAL AND ORDER
)	
v.)	
)	
ALFREDO COBIAN, JR.,)	
)	
Defendant.)	

Plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Melinda Haag, United States Attorney, and Jennifer Gaspar, Special Assistant United States Attorney, respectfully requests, pursuant to Rule 48(a), Federal Rules of Criminal Procedure, that the Court dismiss the indictment in the above-entitled case.

On January 2, 2010, the defendant, Alfredo Cobian, Jr., was arrested and charged in a complaint with three felony counts of California Penal Code Section 245(a)(1), assault with a deadly weapon, and one felony count of California Penal Code Section 186.22(a), criminal street gang enhancement. On February 2, 2010, count one of the complaint was reduced to a misdemeanor and the remaining charges were dismissed. The defendant pleaded guilty to the single misdemeanor violation of section 245(a)(1). The conviction was incorrectly noted as a

felony on the defendant's criminal history documents. The government asks this Court to dismiss the Indictment because the defendant has not been previously convicted of a felony.

DATED: December 13, 2011

Respectfully submitted,

MELINDA HAAG
United States Attorney

/s/
JENNIFER GASPAR
Special Assistant United States Attorney

ORDER

For the reasons provided by the United States above, this Court hereby orders United States v. Cobian to be dismissed.

IT IS SO ORDERED.

DATED: 12/14/11


HONORABLE SAUNDRA BROWN ARMSTRONG
United States District Court Judge